IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 837 OF 2005

IN

FIRST APPEAL STAMP NO. 32804 OF 2004

Ganesh S. Phugare ..Appellant

versus

Bharat Pulverising Mills

Pvt. Ltd. & Ors. ..Respondents

Mr. M. Janardhanan for the Appellant.

None for the Respondent No.2.

CORAM : D. G. DESHPANDE,J.

DATE : 29TH AUGUST,2005

P.C. :

1. Heard advocate for the appellant.

2. This is an application for condonation of delay of 170 days. Respondent No.2 is served. Nobody is present for the Respondent No.2. No reply is filed by the respondent No.2. So far as respondent No.1 is concerned, remark shows that the premises were locked when the Bailiff went, but the notice was affixed to the door. Respondent No.1 is

Bharat Pulverising Mills Pvt. Ltd. Counsel for the appellants states that even in the trial court they were exparte. In fact it is a company. If it is locked and there is nobody to accept the service then it is not necessary to wait for them. This is sufficient service. Therefore, delay is satisfactorily explained. Delay is condoned. Application is disposed of.

3. Put up appeal for admission on 14.9.2005.

29.8.2005 (D.G. DESHPANDE, J.)